

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARLOS RAYMOND,

Plaintiff,

v.

CIV No. 16-00304-KG-CG

FNU ARNOLD, TIMOTHY TRAPP,
FNU ALLEN, VINCENT HORTON,

Defendants.

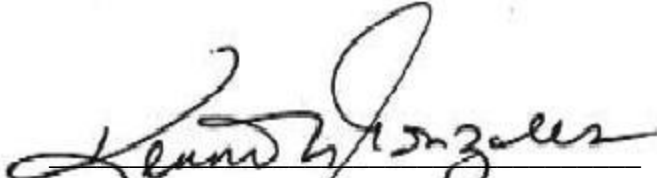
ORDER OF DISMISSAL WITHOUT PREJUDICE

This matter is before the Court *sua sponte*. On April 15, 2016, Plaintiff Carlos Raymond, filed a Prisoner's Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 and a Motion for Free Process pursuant to 28 U.S.C. § 1915. [Docs. 1, 2] In response to an Order to Cure Deficiency, Plaintiff filed an Amended Prisoner's Civil Rights Complaint and Application to Proceed in District Court Without Prepaying Fees or Costs pursuant to 28 U.S.C. § 1915 on May 2, 2016. [Docs. 6, 7] On May 10, 2016, the Court granted Plaintiff's Motion for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and ordered Plaintiff to pay an initial partial payment of \$19.82 pursuant to § 1915(b)(1). [Doc. 9] The Court notified Plaintiff that if he "fails to make a payment by the designated deadline or show cause why such payments should be excused, the civil rights complaint may be dismissed without prejudice without further notice." [Doc. 9]

As of this date, Plaintiff has not paid the initial partial payment of \$19.82, shown cause why the payment should be excused, or otherwise responded to the Court's order. Therefore, the Court will dismiss Plaintiff's civil rights action without prejudice pursuant to Fed. R. Civ. P. 41(b). *See Cosby v. Meadors*, 351 F.3d 1324, 1327 (10th Cir. 2003) (noting that "if a court

requires partial payments, the Federal Rules of Civil Procedure allow a district court to dismiss the action for failure to comply with the order” pursuant to Fed. R. Civ. P. 41(b)).

IT IS THEREFORE ORDERED that Plaintiff’s Prisoner’s Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 [Doc. 1] and Amended Prisoner’s Civil Rights Complaint [Doc. 6] are DISMISSED without prejudice, all pending motions are DENIED as moot, and judgment will be entered.



UNITED STATES DISTRICT JUDGE